IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

IN RE:

MADLYN SHAVON MARISA,

CASE NO 14-41509-RFN

CHAPTER 13

Pre-hearing Conference

February 27, 2015 at 1:30 PM

Debtor

TRUSTEE'S OBJECTION TO LATE FILED PROOF OF CLAIM
ON BEHALF OF SENECA MORTGAGE SERVICING LLC, COURT CLAIM # 9 FOR \$27,619.18

TO THE HONORABLE U.S. BANKRUPTCY JUDGE:

Now comes Pam Bassel, the Standing Chapter 13 Trustee ("Trustee") and files the Trustee's Objection to the Late Filed Proof of Claim on Behalf of SENECA MORTGAGE SERVICING LLC, pursuant to Rule 3007 of the Bankruptcy Rules of Civil Procedure, and the Trustee would respectfully show the Court as follows:

- 1. Debtors filed a Voluntary Petition under Chapter 13 of the Bankruptcy Code on or about April 04, 2014.
- 2. The Non-Governmental Claims Bar Date ended on August 12, 2014 and the Governmental Bar Date was October 01, 2014.
- 3. However, on or about December 19, 2014, SENECA MORTGAGE SERVICING LLC filed a Proof of Claim, Claim Number 9 in the amount of \$27,619.18.
- 4. Therefore, the Trustee asserts that Claim 9 is a late filed claim and should be disallowed. The Trustee would show that in order to receive a distribution under the plan, a creditor must file a timely claim and failure to file the claim timely bars any distributions.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that the Court DISALLOW Claim 9, and for such other and further relief to which the Trustee is justly entitled.

Pam Bassel Chapter 13 Standing Trustee 6100 Western Place, Ste 1050 Ft. Worth, TX 76107

Respectfully Submitted,

By: <u>/s/ Heena Hirani</u> Heena Hirani Bar No. 24069925 Staff Attorney Pam Bassel

Chapter 13 Standing Trustee

Bar No. 01344800

6100 Western Place, Ste 1050

Ft. Worth, TX 76107 Telephone: (817) 916-4710

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was served on January 16, 2015 and that the instrument was filed electronically. Service was accomplished to the parties listed below, in the manner listed below:

/s/ Heena Hirani Heena Hirani

ATTORNEY FOR DEBTOR (electronically)

ROBERT A HIGGINS AND ASSOCIATES 8200 CAMP BOWIE W BLVD FORT WORTH, TX 76116

DEBTOR (1st class mail)

MADLYN SHAVON MARISA 5521 WELLESLEY AVE FORT WORTH, TX 76107

CREDITOR (1st class mail)

SENECA MORTGAGE SERVICING LLC 3374 WALDEN AVE STE 120 DEPEW, NY 14043

US TRUSTEE (electronically)

1100 COMMERCE STREET ROOM 976 DALLAS, TX 75254

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By: <u>/s/ Heena Hirani</u> Heena Hirani Bar No. 24069925 Staff Attorney Pam Bassel

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